

Revered Fox 'Phantom' asked to exit theater



Joe Patten, ex-technical director of the Fox, has collected many art pieces to adorn the theater apartment he's occupied for decades, including this mask he bought at a car show. Phil Skinner pskinner@ajc.com

Joe Patten, 83, tinkered with the organ keys in the Fox Theatre on November 10, 2008. The ex-staffer has lived in an apartment at the theater for decades, but fears he may be forced out. He is credited with preventing the movie palace's demolition in 1974 and saving it from a fire in 1996. Staff 2008 photo



No eviction, officials say. They want aging, ailing tenant, ex-staffer safe.

By **Kristi E. Swartz**
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The “Phantom of the Fox” may be losing his longtime home hidden away in Atlanta’s grand old theater.

Joe Patten, the man credited with twice saving the historic Fox Theatre, has lived quietly in a stately 3,640-square-foot apartment inside the famous Peachtree Street landmark for about 30 years. His lease, signed Dec. 28, 1979, says he can live there rent-free for the rest of his life.

But an hour after the 83-year-old returned home from a recent stay in the hospital, he got a letter suggesting he find a nursing home.

“The whole feeling I get is that they don’t want me here,” Patten said Thursday at his apartment.



This passage that leads from his bedroom to a private viewing box in the theater adds credence to Joe Patten’s nickname: “Phantom of the Fox.” There is talk he may be forced to move. **Ben Gray** bgray@ajc.com

Patten is upfront about his diabetes. He said a sudden change in sugar level caused him to spend about 20 days recently at Emory University Hospital Midtown and Budd Terrace Nursing Home.

He no longer can stand up

straight and has a laundry list of medications to take, but Patten can walk up and down the stairs that lead to his apartment off Ponce de Leon Avenue. He says he is able to live on

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Lease will be reviewed Monday

Patten

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his own.

Patten, once the theater's technical director, reconditioned the old pipe organ in the 1960s. He helped form Atlanta Landmarks in 1974 to prevent the ornate 1920s movie palace's demolition and was credited with saving the Fox again after a fire broke out in 1996 and he led firefighters to the flames.

Patten received a letter Aug. 11 from Woody White, president of Atlanta Landmarks, the non-profit that owns the Fox, asking him to seek out an "assisted living residence."

For him to remain in the apartment, White wants documentation from a physician that Patten can live independently, the letter states. White also wants to speak with the doctor personally about his decision.

"As good stewards of the Fox Theatre, however, our ongoing concerns for your health and our hopes for your full recovery must be weighed against our obligations to the Theatre and how your condition impacts the Theatre," White said in the letter.

White, in the letter, said the

Fox staff is concerned about Patten and feels obligated to check on him. But "to burden the staff with this future expectation cannot be presumed or continued, as it is both unfair to them and affects the Theatre's operations," he said.

Patten said it wasn't a letter he needed to read after being in the hospital.

"They came up with the idea that I should have outside help and that that would be permitted with Atlanta Landmarks," Patten told The Atlanta Journal-Constitution. "That did not make sense."

What's more, Patten said, the staff at the Fox checks on him more than he asks for their assistance.

"I know all of those people. Those people are my friends," he said.

A spokeswoman for the Fox Theatre said the whole thing is a misunderstanding.

"We're not kicking him out. There is no eviction notice. His furniture will never be out on the street. It is our intention for him to live there as long as possible," Kristen Delaney told the AJC.

Delaney said that she could not discuss the board's concerns with Patten living in the apartment but said the lease is very old and needs to be rewritten.

A special board meeting has been scheduled for 5 p.m. Monday.

"The purpose of Monday's meeting is to modify his current living arrangement," Fox General Manager Allan Vella said in a statement. "As a formality this

requires us to terminate the existing lease, and then create a new living arrangement so that he may remain in the apartment for as long as he is able. We expect to resolve this issue on Monday."

Patten doesn't know what the future holds. His sister and brother-in-law drove up from DeLand, Fla., and have been staying with him since he returned from rehabilitation. They hired the high-profile Atlanta law firm Bondurant, Mixson and Elmore, based on a recommendation from a friend, said Patten's sister, Patti Patten-Carlen.

In a written response to White dated Aug. 13, attorney Emmet Bondurant argued that neither Patten's health nor the theater's security would be jeopardized if he continued to live in the apartment.

"Mr. Patten's return to his apartment should have no impact on the Theatre or its staff. ... Mr. Patten neither expects nor requires any assistance from the Theatre staff, either now or in the future," Bondurant's letter states.

The board "expects him to walk away from all this," said Patten-Carlen, looking around the pristine apartment that her brother is eager to show off. It's furnished with pieces that belonged to his mother and great grandparents and includes a stereo speaker system connected to a turntable that Patten planned to tinker with Thursday.

"I've extended so much effort throughout the entire building," Patten said.